THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5047 OF 1997

ORAL ORDER:

The petitioners claim title and possession in respect of Ac.8.89 cents of land situated in Sy.No.420/A of Bilahar village, having purchased the same from the 1st respondent herein under a registered sale deed dated 17.7.1954. It is alleged that when the respondents 2 to 4 herein made an attempt to enter upon the land on 2.9.1993 claiming that they have been granted pattas in respect of the said land, the petitioners made enquiries and it was found that the vendor of the petitioners - 1st respondent herein, was declared as surplus holder in the proceedings under the A.P. Land (Ceiling on Agricultural Holdings) Act, 1973 (for short "the Act"), and the land in possession of the petitioners was surrendered by the 1st respondent and, subsequently, pattas were granted to the respondents 2 to 4.

Aggrieved by the said action, the petitioners filed a petition dated 7.10.1993 before the 6th respondent herein, requesting to enquire into the whole issue and to protect their possession. However, the 6th respondent failed to respond. Hence, this writ petition is filed seeking a Mandamus directing the 6th respondent to hold an enquiry in pursuance of the representation made by the petitioners dated 7.10.1993 under the provisions of the Act.

Heard both parties.

Neither the order passed by the 1st respondent under the Act, nor the representation said to have been made by the petitioners under Section 7 of the Act, has been placed before this Court. Absolutely no case is made out to show that there is any inaction on the part of the respondents 5 and 6 in discharging the statutory obligation. Hence, the Writ of Mandamus as prayed for cannot be granted. However, having regard to the assertion made by the petitioners that they are

continuing in possession, and particularly the interim stay of dispossession granted by this Court on 13.3.1996, which has been operative throughout, I deem it appropriate to dispose of the writ petition with a direction to the respondents that if the petitioners are in possession as on today, they shall not be dispossessed without following due process of law.

With the above observation, the writ petition is disposed of. No costs.

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(G. ROHINI, J.)

19th December, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 5047 OF 1996

19th December, 2006.

Between:

K. Ahmed Sab and another. .. Petitioners.

And

H. Narayana Reddy and others. .. Respondents.